

## STATE OF MINNESOTA

## EIGHTY-EIGHTH SESSION — 2013

## SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 28, 2013

The House of Representatives convened at 3:00 p.m. and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by the Reverend Jon Ellefson, Retired Lutheran Minister, Rosemount, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Hausman	Lillie	Nornes	Simon
Albright	Dill	Hertaus	Loeffler	Norton	Simonson
Allen	Dorholt	Hilstrom	Lohmer	O'Driscoll	Slocum
Anderson, M.	Drazkowski	Hoppe	Loon	O'Neill	Sundin
Anderson, P.	Erhardt	Hornstein	Mack	Paymar	Swedzinski
Anderson, S.	Erickson, R.	Hortman	Mahoney	Pelowski	Torkelson
Anzels	Erickson, S.	Howe	Mariani	Peppin	Uglen
Atkins	Fabian	Huntley	Marquart	Persell	Urdahl
Beard	Falk	Isaacson	Masin	Petersburg	Wagenius
Benson, J.	Faust	Johnson, B.	McDonald	Poppe	Ward, J.A.
Benson, M.	Fischer	Johnson, S.	McNamara	Pugh	Ward, J.E.
Bernardy	FitzSimmons	Kahn	Melin	Quam	Wills
Bly	Franson	Kelly	Metsa	Radinovich	Winkler
Brynaert	Freiberg	Kieffer	Moran	Rosenthal	Woodard
Carlson	Fritz	Kiel	Morgan	Runbeck	Yarusso
Clark	Garofalo	Kresha	Mullery	Sanders	Zellers
Cornish	Green	Laine	Murphy, E.	Savick	Zerwas
Daudt	Gruenhagen	Leidiger	Murphy, M.	Sawatzky	Spk. Thissen
Davids	Gunther	Lenczewski	Myhra	Schoen	
Davnie	Hackbarth	Lesch	Nelson	Schomacker	
Dean, M.	Halverson	Liebling	Newberger	Scott	
Dehn, R.	Hansen	Lien	Newton	Selcer	

A quorum was present.

Barrett, Hamilton, Holberg and McNamar were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 6, A bill for an act relating to taxation; conforming certain income, franchise, and property tax refund provisions for tax year 2012 to the provisions of the Federal Aviation Administration Modernization and Reform Act of 2012 and the American Taxpayer Relief Act of 2012; amending Minnesota Statutes 2012, sections 290.01, subdivisions 19, 31; 290A.03, subdivision 15.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Lesch from the Committee on Civil Law to which was referred:

H. F. No. 19, A bill for an act relating to probate; multiparty accounts; allowing agency designations in certain situations; amending Minnesota Statutes 2012, sections 524.6-201, by adding a subdivision; 524.6-203; 524.6-204; 524.6-211; 524.6-213, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 524.

Reported the same back with the following amendments:

Page 1, delete lines 20 to 21 and insert:

"(c) An agent in an account with an agency designation has no beneficial right to sums on deposit by virtue of being named as an agent."

Page 2, line 5, delete everything after the period and insert "The agent may act for a disabled or incapacitated party until the authority of the agent is terminated by the party, by an attorney-in-fact appointed by the party, or by a conservator appointed to protect the interests of the party."

Page 2, delete lines 6 and 7

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance and Policy.

The report was adopted.

Lesch from the Committee on Civil Law to which was referred:

H. F. No. 40, A bill for an act relating to protected persons; guardians and conservators; modifying provisions related to the appointment of guardians and conservators; increasing background study fee; modifying contents of annual reports made by guardians and conservators; amending Minnesota Statutes 2012, sections 245C.32, subdivision 2; 524.5-118, subdivision 1, by adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Finance and Policy.

The report was adopted.

Lesch from the Committee on Civil Law to which was referred:

H. F. No. 87, A bill for an act relating to real property; providing for affidavit of survivorship; providing for release or partial release of lien of a mortgage; claiming an interest in registered land after registration; making technical and conforming changes; amending Minnesota Statutes 2012, sections 507.092, subdivision 1; 507.403; 508.70, subdivision 1; 508.82, subdivision 1; 508A.70, subdivision 1; 508A.82, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary Finance and Policy.

The report was adopted.

Simon from the Committee on Elections to which was referred:

H. F. No. 122, A bill for an act relating to elections; modifying vacancy in nominations provisions; amending Minnesota Statutes 2012, section 204B.13, subdivision 1, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. ~~Death or withdrawal~~ **Partisan office.** A vacancy in nomination ~~may~~ for a partisan office must be filled in the manner provided by this section. A vacancy in nomination for a partisan office exists when:

~~(1) a major political party candidate or nonpartisan candidate who was nominated at a primary dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 2a; or~~

~~(2) a candidate for a nonpartisan office, for which one or two candidates filed, withdraws as provided in section 204B.12, subdivision 1.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. **[204B.131] VACANCY IN NOMINATION; NONPARTISAN OFFICE.**

Subdivision 1. **Applicability.** A vacancy in nomination for a nonpartisan office must be filled in the manner provided by this section. A vacancy in nomination for a nonpartisan office exists when:

(1) a candidate for any nonpartisan office, for which one or two candidates filed, withdraws as provided in section 204B.12, subdivision 1; or

(2) a candidate for any nonjudicial nonpartisan office, for which only one or two candidates filed or who was nominated at a primary, dies more than 84 days before the date of the general election.

Subd. 2. **Procedure for filling vacancy.** A vacancy in nomination for a nonpartisan office may be filled by filing an affidavit of candidacy and paying a filing fee, or by filing an affidavit of candidacy and filing a petition in place of a filing fee, in the manner provided in sections 204B.06, 204B.09, and 204B.11. All documents and fees required by this subdivision must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If the vacancy in nomination resulted from a withdrawal during the withdrawal period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal period to fill the vacancy in nomination, there are more than two candidates, the candidates' names must appear on the primary ballot. In all other cases, the candidates' names must appear on the general election ballot.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. **REPEALER.**

Minnesota Statutes 2012, section 204B.13, subdivision 4, is repealed.

**EFFECTIVE DATE.** This section is effective the day following final enactment."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 122 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Davnie; Hoppe; Kieffer; Atkins; Lillie; Anzelc; Dehn, R.; Slocum and Zellers introduced:

H. F. No. 182, A bill for an act relating to alcohol; establishing a beer educator license; amending Minnesota Statutes 2012, section 340A.4042.

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Holberg; Simon; Hansen; Scott; Anderson, S.; Peppin; Drazkowski; Fabian; Zellers; FitzSimmons; Erickson, S.; Loon; Lesch; Kieffer; Paymar and Masin introduced:

H. F. No. 183, A bill for an act relating to data practices; enhancing certain penalties and procedures related to unauthorized access to data by a public employee; amending Minnesota Statutes 2012, sections 13.05, subdivision 5; 13.055; 13.08, subdivision 1; 13.09.

The bill was read for the first time and referred to the Committee on Civil Law.

Winkler, Persell and Schoen introduced:

H. F. No. 184, A bill for an act relating to public safety; firearms; requiring the commissioner of human services to create and maintain a centralized register of individuals who voluntarily wish to be ineligible to purchase firearms for a self-determined period of time; mandating chiefs of police and sheriffs to accept the voluntary surrender of firearms and ammunition from persons on the voluntary register, and to establish procedures for return of the firearms and ammunition upon request; amending Minnesota Statutes 2012, sections 245.041; 624.713, by adding a subdivision; 624.7131, subdivisions 1, 2; 624.7132, subdivisions 1, 2; 624.714, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 214; 245.

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy.

Liebling, Norton and Hausman introduced:

H. F. No. 185, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to design and construct improvements to the Mayo Civic Center Complex in Rochester.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy.

Davnie; Hoppe; Kieffer; Atkins; Lillie; Anzelc; Loon; Dehn, R.; Hilstrom; Slocum and Zellers introduced:

H. F. No. 186, A bill for an act relating to alcohol; amending wine tasting statute to permit the consumption of beer; amending Minnesota Statutes 2012, section 340A.418.

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Hortman and Garofalo introduced:

H. F. No. 187, A bill for an act relating to education; establishing a public residential high school for science, technology, engineering, and mathematics; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on Education Policy.

Persell introduced:

H. F. No. 188, A bill for an act relating to capital investment; appropriating money for the Upper Mississippi Center for the Arts; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy.

Faust and Sundin introduced:

H. F. No. 189, A bill for an act relating to capital investment; appropriating money for hospital campus infrastructure in Sandstone; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy.

Kelly and Drazkowski introduced:

H. F. No. 190, A bill for an act relating to energy; wind energy; adding a provision for siting wind energy conversion systems; modifying county authority to enact siting standards; amending Minnesota Statutes 2012, sections 216B.1691, subdivision 2b; 216F.081.

The bill was read for the first time and referred to the Committee on Energy Policy.

Kelly and Drazkowski introduced:

H. F. No. 191, A bill for an act relating to energy; utilities; community-based energy development projects; modifying tariff issues; adding an eligibility review; amending Minnesota Statutes 2012, section 216B.1612, subdivisions 3, 7, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Energy Policy.

Drazkowski; Benson, M.; Lohmer; O'Neill and Beard introduced:

H. F. No. 192, A bill for an act relating to education; establishing a state policy to protect students from bullying; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2012, section 121A.0695.

The bill was read for the first time and referred to the Committee on Education Policy.

Simon introduced:

H. F. No. 193, A bill for an act relating to elections; modifying eligibility requirements for voting by absentee ballot; modifying certain procedures related to applying for or obtaining an absentee ballot; requiring county auditors to explain absentee ballot changes to certain voters; amending Minnesota Statutes 2012, sections 203B.02, subdivision 1; 203B.04, subdivisions 1, 6; 203B.06, subdivision 1; repealing Minnesota Statutes 2012, section 203B.04, subdivision 5.

The bill was read for the first time and referred to the Committee on Elections.

Atkins; Newton; Morgan; Sundin; Bernardy; Sawatzky; Murphy, M.; Rosenthal; Ward, J.E.; Hilstrom; Slocum; Masin; Lien; Nelson; Ward, J.A.; Lillie and Erhardt introduced:

H. F. No. 194, A bill for an act relating to commerce; preventing fraud; requiring a money transmitter to notify the sender when someone tries to receive wired funds at a location other than the location specified by the sender; amending Minnesota Statutes 2012, section 53B.27, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy.

Loeffler; Benson, J.; Norton and Abeler introduced:

H. F. No. 195, A bill for an act relating to health; allowing a licensed dietitian or licensed nutritionist to adhere to a practice guideline or protocol for a legend drug prescribed by a physician; amending Minnesota Statutes 2012, section 151.37, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Winkler introduced:

H. F. No. 196, A bill for an act proposing an amendment to the Minnesota Constitution, article IX, section 1; changing the method for amending the constitution.

The bill was read for the first time and referred to the Committee on Government Operations.

Beard and Simon introduced:

H. F. No. 197, A bill for an act relating to elections; changing certain recount requirements and procedures; amending Minnesota Statutes 2012, sections 204C.35, subdivision 1, by adding a subdivision; 204C.36, subdivision 1.

The bill was read for the first time and referred to the Committee on Elections.

Mariani introduced:

H. F. No. 198, A bill for an act relating to education; increasing the compulsory attendance age; amending Minnesota Statutes 2012, sections 120A.22, subdivisions 5, 11; 120A.24, subdivision 1; 124D.03, subdivision 12; 260C.007, subdivision 19; repealing Minnesota Statutes 2012, section 120A.22, subdivision 8.

The bill was read for the first time and referred to the Committee on Education Policy.

Simonson introduced:

H. F. No. 199, A bill for an act relating to motor vehicles; establishing special plates for retired firefighters; amending Minnesota Statutes 2012, section 168.12, subdivision 2b, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Fritz and Abeler introduced:

H. F. No. 200, A bill for an act relating to health; requiring annual reports on nursing personnel staffing in medical clinics; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Schoen introduced:

H. F. No. 201, A bill for an act relating to emergency medical services; modifying certain provisions to include advanced emergency medical technicians; updating inspection provisions; providing requirements for emergency medical responder registration; amending Minnesota Statutes 2012, sections 144E.101, subdivision 7; 144E.18; 144E.27, subdivision 1, by adding a subdivision; 144E.285, subdivisions 2, 4.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Newton, Uglem and Ward, J.E., introduced:

H. F. No. 202, A bill for an act relating to public safety; traffic regulations; amending local authority to establish speed limits; amending Minnesota Statutes 2012, section 169.14, subdivisions 2, 5, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Morgan; Moran; Fritz; Benson, J.; Loeffler; Huntley; Schoen; Abeler; Laine; Newton; Allen; Barrett and Ward, J.A., introduced:

H. F. No. 203, A bill for an act relating to health occupations; establishing licensure for medical laboratory science professionals; creating the Board of Medical Laboratory Science; providing penalties; establishing fees; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 148G.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Schoen introduced:

H. F. No. 204, A bill for an act relating to human services; exempting level I trauma centers from a payment rate reduction; amending Minnesota Statutes 2012, section 256.969, subdivision 3c.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Loeffler; Mahoney; Nelson; Lillie; Paymar; Davnie; Ward, J.A.; Hausman; Yarusso; Johnson, S.; Kahn; Wagenius; Moran and Slocum introduced:

H. F. No. 205, A bill for an act relating to taxation; amending the expiration of the authority for Hennepin and Ramsey Counties to impose a mortgage and deed tax; amending Minnesota Statutes 2012, sections 383A.80, subdivision 4; 383B.80, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, S.; Uglem; Zellers; Davids and Scott introduced:

H. F. No. 206, A bill for an act relating to taxation; income and corporate franchise; modifying the computation of the research credit; amending Minnesota Statutes 2012, section 290.068, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Lillie; McNamara; Persell; Ward, J.E., and Dill introduced:

H. F. No. 207, A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund.

The bill was read for the first time and referred to the Committee on Environment, Natural Resources and Agriculture Finance.

Lenczewski, Slocum, Rosenthal, Davids and Daudt introduced:

H. F. No. 208, A bill for an act relating to the city of Bloomington; providing expanded tax increment financing powers relating to certain existing districts; modifying the imposition and use of proceeds of special sales taxes in the city; appropriating money to renovate and restore or replace the Old Cedar Avenue Bridge in Bloomington; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2012, sections 469.071, subdivision 5; 473F.08, by adding a subdivision; Laws 2006, chapter 258, section 17, subdivision 8, as amended; Laws 2008, chapter 365, section 4, subdivision 3, as amended; Laws 2008, chapter 366, article 5, section 26; Laws 2010, chapter 189, section 16, subdivision 4, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Erhardt introduced:

H. F. No. 209, A bill for an act relating to education finance; modifying certain petition requirements for proposals for detachment and annexation; amending Minnesota Statutes 2012, section 123A.45, subdivision 2.

The bill was read for the first time and referred to the Committee on Education Policy.

Brynaert, Fritz, Liebling, Torkelson, Petersburg, Cornish and Quam introduced:

H. F. No. 210, A bill for an act relating to transportation; appropriating money for marked Trunk Highway 14 construction.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Brynaert, Fritz, Liebling, Torkelson, Petersburg, Cornish, Norton and Quam introduced:

H. F. No. 211, A bill for an act relating to transportation; highways; establishing requirements concerning completion of construction projects on marked Trunk Highway 14.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Yarusso and Loon introduced:

H. F. No. 212, A bill for an act relating to taxation; tax court; modifying timely filing for appeals from orders; amending Minnesota Statutes 2012, section 271.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Civil Law.

Loeffler, Abeler, Liebling and Allen introduced:

H. F. No. 213, A bill for an act relating to human services; modifying medical assistance co-payment requirements; amending Minnesota Statutes 2012, section 256B.0631, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

### **MOTIONS AND RESOLUTIONS**

Huntley moved that the name of Bernardy be added as an author on H. F. No. 9. The motion prevailed.

Dettmer moved that the name of Dehn, R., be added as an author on H. F. No. 70. The motion prevailed.

Dettmer moved that the name of Dehn, R., be added as an author on H. F. No. 72. The motion prevailed.

Schoen moved that the name of Newberger be added as an author on H. F. No. 75. The motion prevailed.

Schoen moved that the name of Newberger be added as an author on H. F. No. 86. The motion prevailed.

Beard moved that the name of Lohmer be added as an author on H. F. No. 103. The motion prevailed.

Persell moved that the names of Bly and Abeler be added as authors on H. F. No. 143. The motion prevailed.

Newton moved that the name of Abeler be added as an author on H. F. No. 145. The motion prevailed.

Nelson moved that the name of Erhardt be added as an author on H. F. No. 152. The motion prevailed.

Hilstrom moved that the names of Benson, J., and Simon be added as authors on H. F. No. 157. The motion prevailed.

Lenczewski moved that the name of Hausman be added as an author on H. F. No. 159. The motion prevailed.

Slocum moved that the name of Benson, J., be added as an author on H. F. No. 165. The motion prevailed.

Slocum moved that the name of Benson, J., be added as an author on H. F. No. 166. The motion prevailed.

Fabian moved that the name of Swedzinski be added as an author on H. F. No. 169. The motion prevailed.

Morgan moved that the names of Benson, J., and Kahn be added as authors on H. F. No. 173. The motion prevailed.

Norton moved that the names of Brynaert; Benson, J.; Allen; Fischer; Kahn and Fritz be added as authors on H. F. No. 176. The motion prevailed.

Norton moved that the names of Ward, J.A.; Brynaert; Benson, J.; Allen and Simon be added as authors on H. F. No. 181. The motion prevailed.

#### IN MEMORIAM

The members of the House of Representatives paused for a moment of silence in memory of former Representative Edward R. Brandt, of Minneapolis, Minnesota, who served from 1969 through 1972, who passed away on Thursday, January 17, 2013.

#### ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, January 31, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, January 31, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

